show that the gift was the free and voluntary act of the donor. *Whipple v. Barton*, 63 N. H. 613; *Parker v. Parker* (N. J.), 16 Atl. 537. It is not necessary to show by absolute evidence that undue influence was exerted by donee at the time gift was made. *Sears v. Shafer*, 2 Selden (N. Y.) 268. And a donee before accepting a gift must satisfy himself that donor had no family ties or that he was determined to disregard them. *Ford v. Hennessy*, 70 Mo. 580. But some cases hold gifts by fraud or imposition are voidable only, and by one specially injured. *Norris v. Norris*, 3 Ind. App. 500.

HUSBAND AND WIFE—WIFE'S SERVICES—RIGHT OF HUSBAND TO RECOVER.—GORMAN V. N. Y. C. & ST. L. R. CO., 113 N. Y. SUPP.—*Held*, that in an action for injury to his son, plaintiff can recover the value of his wife's services in nursing the son. Williams, J., *dissenting*.

The prevailing rule seems to be that where plaintiff is nursed by members of his own family no action will lie for recovery of damages for the value of the services thus rendered. *Chicago & E. I. R. Co. v. Holland*, 122 Ill. 461; *Morris v. Grand Ave. R. Co.*, 144 Mo. 500. A case upholding this rule is where services rendered plaintiff by her daughter who made no charge for such services, could not be brought in as ground for damages when said plaintiff was suing a railroad company for an injury to herself. *Chicago, B. & Q. R. Co. v. Johnson*, 24 Ill. App. 468. It has been held, however, that in an action for damages resulting from personal injuries, a defendant is liable for the reasonable value of medical attendance, care and nursing made necessary by the accident, although not actually paid. *Gries v. Zeck*, 24 Ohio St. 329; and also though such services may, as between the plaintiff and the person rendering them have been gratuitous. *Varnham v. City of Council Bluffs*, 52 Ia. 698.

INFANTS—SALE OF PERSONAL PROPERTY—AVOIDANCE—RETURN OF CONSIDERATION.—HUGHES V. MURPHY, 63 S. E. 1248 (GA.).—*Held*, that the rule which requires the restitution of the consideration in order to disaffirm an infant's contract applies only to the right of the infant himself after he becomes of age and elects to disaffirm a contract made by him during his minority, and that a guardian bringing a suit to recover the possession of personal property which his ward has sold, is not required to return the consideration received by the ward.

At common law to give effect to an infant's disaffirmance of his contract, it is not necessary that the other party should be placed *in statu quo*. *Carpenter v. Carpenter*, 45 Ind. 142; *Ruchmzky v. DeHaven*, 97 Pa. 202. But it has been held in a few cases, that an infant vendor to recover back his property must refund what he has received, and there can be no right of recovery so long as any part of the consideration is withheld. *Stout v. Merrill*, 35 Ia. 227; *Chambers v. Jones*, 72 Ill. 275. But the general rule of law is that when disaffirming a deed because of infancy when made, the party must return so much of the consideration received as remains in his possession at the time of election, but he is not required to return an equivalent for such part as may have been disposed of during minority. *Bloomer v. Nolan*, 36 Neb. 51; *Jenkins v. Jenkins*, 12 Ia. 195; *Reynolds v. McCurry*, 100 Ill. 356. In accord with the case at hand it is

held, that the guardian of an adult may avoid any conveyance of property executed by his ward while a minor, which might be avoided by the ward himself if capable of exercising the right, and if money paid to the minor as consideration for his conveyance of real estate has been wasted or spent by him during his minority, payment of the amount is not necessary to enable his guardian to avoid the conveyance. *Chandler v. Simmons*, 97 Mass. 508.

INDIANS—ACTIONS—JURISDICTION OF STATE.—DERAGON V. SERO, 118 N. W. 839 (WIS.).—*Held*, the laws of the state for the peace and good order of people within its boundaries extend over Indian reservations, and apply to infractions of such laws, whether by Indians or others.

The general rule is that the federal courts have jurisdiction over all Indians, for, regarding them as wards of the nation, the United States has full power to pass such laws as may be necessary to their full protection and may punish all offences committed against them or by them within the reservation. *U. S. v. Thomas*, 151 U. S. 577. And it is held that the state courts have no jurisdiction in such cases. *State v. Kagarua*, 23 Cent. L. J. 420; *In re Cross*, 20 Neb. 417; *State v. McKenney*, 18 Nev. 182. But when an Indian has severed his tribal relations he may be prosecuted in the courts of the state whether the crime is committed within or without the reservation. *State v. Williams*, 13 Wash. 335. And if the crime is not by an Indian against an Indian whether on or off the reservation, the state courts have jurisdiction. *Marion v. State*, 16 Neb. 349.

MASTER AND SERVANT—INJURIES TO THIRD PERSONS—MISCONDUCT OF SERVANT.—HOGLE V. H. H. FRANKLIN MFG. CO., 112 N. Y. SUPP. 881.—*Held*, that the general rule that a master is not liable for a malicious act of his servant, not done within the scope of his employment, does not relieve the master from his own neglect to use reasonable means to prevent a dangerous practise carried on by workman under his control and on his premises. McLennan, P. J., *dissenting*.

The master is usually not liable for the wilful and malicious acts of his servant done outside of the course and scope of the employment. *Collins v. Alabama Great Southern Ry. Co.*, 104 Ala. 390. The liability of the master is determined by the doctrine of *respondeat superior*, which is founded on the power of control and direction which the superior has a right to exercise and which for the safety of other persons he is bound to exercise over the acts of his subordinates. 1 *Blackstone Comm.*, 431. A man can only use his property in such a manner as constitutes a reasonable exercise of dominion, having regard to all interests affected and having also in view public policy. *Booth v. Rome, etc., Ry. Co.*, 140 N. Y. 267. But the mere fact that a wrongful act occurred upon his property will not make the doctrine of *respondeat superior* apply. *Herbstritt v. Lacka. Lumber Co.*, 212 Pa. St. 495. Where, however, the master has notice of a dangerous practise being carried on by his employees and he does not take reasonable care to prevent it, he will be liable, regardless of whether it was malicious or in the scope of employment. *Snow v. Fitchburg Railroad*, 136 Mass. 552. Under such circumstances the master's permission is implied. *Brannock v. Elmore*, 114 Mo. 55.